

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

LINETTE MORAWCZYNSKI,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Civil No. 3:09-CV-5712 RLB

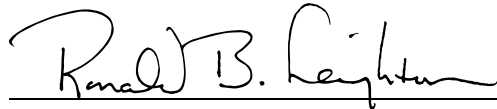
ORDER AND JUDGMENT OF REMAND

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's applications for disability insurance benefits and supplemental security income benefits under Titles II and XVI of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings before an administrative law judge (ALJ), a new hearing, and a new decision. On remand, the ALJ will 1) give Plaintiff an opportunity for a de novo hearing; 2) update the record as necessary; 3) evaluate all lay witness statements; 4) allow Plaintiff to testify and submit new evidence; and 5) continue with the remaining steps of the five-step sequential evaluation.

This Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. §405(g) with a remand of the cause to the Commissioner for further proceedings. *See, Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Judgment is for the Plaintiff and the file shall be closed.

DATED this 20<sup>th</sup> day of April, 2010.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

Recommended for Entry:

s/Karen L. Strombom  
UNITED STATES MAGISTRATE JUDGE

Presented By:

s/ Nancy A. Mishalanie  
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